

**UPDATE III**  
**COMPLIANCE WITH FEDERAL CRIB REGULATIONS**

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**Background and Impact**

In August of 2008, The United States Congress passed the Consumer Product Safety Improvement Act of 2008 (CPSIA) to establish product safety regulations and modernize the Consumer Product Safety Commission (CPSC). It has been stated that this action, on the part of Congress, was precipitated by an unusually large number of infant/juvenile product recalls due to a variety of hazards.

Through CPSIA, Congress presented the CPSC with a mandatory timeline to adopt standards for a number of infant/juvenile products. This list of products being focused on includes both full-size and non-full-size cribs, drop-side and fixed-side cribs, wood and metal cribs.

**CPSC Action to Date**

On December 28, 2010 the CPSC published 16 CFR 1219 and 16 CFR 1220. These are the new mandatory crib standards for wood and metal full-size and non-full-size cribs respectively. These two mandatory standards in essence replicate current ASTM standards F1169-10a and F406-10b with only a very minor modification.

As of June 28, 2011, it is no longer permitted for cribs that are not compliant with these mandatory standards to be sold through any distribution channel (see note at end of document). However, child care facilities, hotels and crib rental companies (see note at end of document) will not be banned from using non-compliant cribs that they currently possess, until December 28, 2012. This means that any non-compliant cribs currently in use in these facilities will have to be replaced with compliant units by that date.

**Highlights off 16 CFR 1219 & 1220**

**Although there seems to still be confusion regarding this matter, the elimination of drop sides from cribs is definitely not the only issue of significance that will separate compliant from non-compliant products.** In the interest of clarity, I present the following table:

<b>Provision</b>	<b>16 CFR 1219 &amp; 1220</b>
Eliminates Drop Sides	Yes
Improvement to Structural Integrity of Crib Slats	Yes
Increased Severity Vertical Mattress Impact Test	Yes
Horizontal Cyclic Test	Yes
Elimination of Wood Screws from Key Structural Elements	Yes
Reduction of Toehold Exposure	Yes
Marking and Labeling Improvements	Yes

### **Potential for Retrofit**

As listed above, there is much more to these new standards than just the elimination of drop sides. Therefore, a retrofit kit that serves to immobilize a drop side does not make the crib compliant. As I have pointed out, there are several major changes in test requirements that will necessitate a more structurally sound product than may have been produced in the past, in addition to new warning and labeling requirements.

### **Impact for users of commercial cribs (cribs meeting the definition of “public use”)**

Note: **This is a ban on all non-compliant cribs in the childcare, hospitality and crib rental environments.** It cannot be overemphasized that this ban is not limited to only new cribs that are purchased after the effective date of the regulation, but rather **a ban on the use of any non-compliant crib after the effective date, regardless of purchase or manufacturing date. Again, that effective date for childcare, hospitality and crib rental environments is December 28, 2012.**

### **Church owned/operated child care facility**

The following statement was recently published by CPSC staff regarding the application of these crib regulations to church child care facilities:

“If a **church owns or operates a child care facility** and pays a person or people to care for children, that child care center is covered by the CPSC’s crib rule. However, if the child care arrangement at a church involves parents (or others) volunteering to care for children during church service (and no one is paid to care for the children), this arrangement is not covered by the crib rule.”

### **Conflicting information provided by some state agencies**

It has been brought to our attention that some state agencies have been providing conflicting information regarding the implementation and application of the new mandatory crib regulations. While that is not surprising considering the chaos and confusion that has existed over recent months regarding this matter, it is critical that your crib program be on track with federal requirements. To that end, we suggest you seek

clarification from CPSC if you find that information you have received from a state agency conflicts with information we are providing.

**Key Dates:**

**June 28, 2011.**

Cribs not compliant with the new mandatory regulations **can no longer be sold.**

**December 28, 2012**

Childcare facilities, hotels and crib rental companies will be banned from using non-compliant cribs. **Cribs in circulation that are non-compliant must be removed from use.**

**Bottom line impact:**

**All public use, non-compliant cribs currently in circulation will have to be replaced** with cribs that have been tested and certified by 3<sup>rd</sup> party government approved labs.

**NOTE:** In denying a Petition to extend the **June 28, 2011 compliance date** for cribs sold in the US to meet stringent new crib standards, the U.S. Consumer Product Safety Commission in a 3-2 vote along partisan lines voted on June 16, 2011 to re-affirm that anyone that manufactures or sells baby cribs must meet the new full-size and non-full-size baby crib standards. At the same time, the Commission voted 4-0-1 to extend the length of time that short-term crib rental companies have to comply with the new standards. This extension gives crib rental companies until **December 28, 2012** to update their inventory with compliant cribs.

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